

# EXHIBIT F

**Kelsch, Iwona**

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**From:** Claudia Guerrero <claudia@dilleylawfirm.com>  
**Sent:** Wednesday, January 22, 2025 2:11 PM  
**To:** O'Rourke, Michael  
**Cc:** Douglas Dilley; Dan Sciano (External); Megan Brien; John Eberle; Miguel Dilley; Aaron Valadez  
**Subject:** [EXTERNAL] Re: Correspondence in Sutton v. Mead Johnson & Company, et al (24-cv-02799) (MDL 3026)

Counsel,

Please be advised that a subpoena was served on the treating hospital requesting information related to the subject formula. Despite continued efforts, the hospital has not complied with this subpoena to date, so we are in the process of preparing a motion to compel. We will promptly notify you of any updates in this regard.

Thank you,

*Claudia I. Guerrero*  
**Attorney | DILLEY LAW FIRM**  
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San Antonio, Texas 78205  
(t) 210-225-0111 (f) 210-228-0493  
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**From:** O'Rourke, Michael <morourke@steptoe.com>  
**Sent:** Wednesday, January 8, 2025 9:46 AM  
**To:** Douglas Dilley <douglas@dilleylawfirm.com>; Dan Sciano (External) <dsciano@tsslawyers.com>; Claudia Guerrero <claudia@dilleylawfirm.com>; Aaron Valadez <avaladez@tsslawyers.com>; Megan Brien <mbrien@tsslawyers.com>; John Eberle <John@dilleylawfirm.com>  
**Subject:** RE: Correspondence in Sutton v. Mead Johnson & Company, et al (24-cv-02799) (MDL 3026)

Doug,

Good morning. I wanted to follow up on this case. I understood that you would be moving to voluntarily dismiss Mead Johnson, but I haven't seen anything to that effect. Apologies if I just missed it. Please dismiss Mead Johnson, or we will file a motion to show cause, pursuant to Case Management Order No. 12.

Best,

**Michael Andrew O'Rourke**  
Associate

## Steptoe

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**From:** Douglas Dilley <[douglas@dilleylawfirm.com](mailto:douglas@dilleylawfirm.com)>

**Sent:** Thursday, December 19, 2024 11:05 AM

**To:** O'Rourke, Michael <[morourke@steptoe.com](mailto:morourke@steptoe.com)>; Dan Sciano (External) <[dsciano@tsslawyers.com](mailto:dsciano@tsslawyers.com)>; Claudia Guerrero <[claudia@dilleylawfirm.com](mailto:claudia@dilleylawfirm.com)>; Aaron Valadez <[avaladez@tsslawyers.com](mailto:avaladez@tsslawyers.com)>; Megan Brien <[mbrien@tsslawyers.com](mailto:mbrien@tsslawyers.com)>; John Eberle <[John@dilleylawfirm.com](mailto:John@dilleylawfirm.com)>

**Subject:** [EXTERNAL] RE: Correspondence in Sutton v. Mead Johnson & Company, et al (24-cv-02799) (MDL 3026)

Michael, as per our conversation this is to confirm that we will move to dismiss Mead Johnson from the above MDL. Given Claudia is out, I will do my best to do so before December 24.

Douglas E. Dilley

Attorney

**DILLEY LAW FIRM**

315 E. Commerce St., Suite 203

San Antonio, Texas 78205

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**From:** Claudia Guerrero <[claudia@dilleylawfirm.com](mailto:claudia@dilleylawfirm.com)>

**Sent:** Tuesday, December 17, 2024 5:52 PM

**To:** Douglas Dilley <[douglas@dilleylawfirm.com](mailto:douglas@dilleylawfirm.com)>; John Eberle <[John@dilleylawfirm.com](mailto:John@dilleylawfirm.com)>; Aaron Valadez <[avaladez@tsslawyers.com](mailto:avaladez@tsslawyers.com)>

**Cc:** Megan Brien <[mbrien@tsslawyers.com](mailto:mbrien@tsslawyers.com)>

**Subject:** Fw: Correspondence in Sutton v. Mead Johnson & Company, et al (24-cv-02799) (MDL 3026)

Kindest regards,

**Claudia I. Guerrero**

Attorney at Law

**Dilley Law Firm**

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**From:** O'Rourke, Michael <[morourke@steptoe.com](mailto:morourke@steptoe.com)>

**Sent:** Tuesday, December 17, 2024 1:24 PM

**To:** [douglaw@dilleylawfirm.com](mailto:douglaw@dilleylawfirm.com) <[douglaw@dilleylawfirm.com](mailto:douglaw@dilleylawfirm.com)>; Claudia Guerrero <[claudia@dilleylawfirm.com](mailto:claudia@dilleylawfirm.com)>; Miguel Dilley <[Miguel@dilleylawfirm.com](mailto:Miguel@dilleylawfirm.com)>; [dsciano@tsslawyers.com](mailto:dsciano@tsslawyers.com) <[dsciano@tsslawyers.com](mailto:dsciano@tsslawyers.com)>

**Cc:** SJ NEC MDL <[sjyecmdl@Steptoe.com](mailto:sjyecmdl@Steptoe.com)>; [MDL3026PLC@dicellolevitt.com](mailto:MDL3026PLC@dicellolevitt.com) <[MDL3026PLC@dicellolevitt.com](mailto:MDL3026PLC@dicellolevitt.com)>; [MJC-Enfamil@cov.com](mailto:MJC-Enfamil@cov.com) <[MJC-Enfamil@cov.com](mailto:MJC-Enfamil@cov.com)>

**Subject:** Correspondence in Sutton v. Mead Johnson & Company, et al (24-cv-02799) (MDL 3026)

Counsel,

The Complaint and Plaintiff Profile Form in the above-referenced matter do not specifically allege that the infant received a Mead Johnson product, nor has Plaintiff produced any medical records showing that a Mead Johnson product was fed to the infant in this case, as required by Case Management Order No. 12 (CMO 12), Section III.A.3. All cases that fail to demonstrate that Mead Johnson supplied the healthcare facility with the type of preterm infant nutrition administered to the infant must either “(a) dismiss or (b) amend the operative Complaint to dismiss Mead Johnson” within 120 days after the entry of the Order. CMO 12, III.C.6.a. CMO 12 was entered more than 120 days ago on May 6, 2024.

Accordingly, we ask that you immediately produce medical records identifying the Mead Johnson product fed to this infant or dismiss Mead Johnson. If you fail to do so by December 24, we intend to file a motion to show cause, as contemplated by CMO 12. III.C.6.B.

Thank you,

**Michael Andrew O'Rourke**

Associate

**Steptoe**

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